

Gridley City Council – Regular City Council Meeting Agenda

Monday, March 4th, 2019; 6:00 pm
Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

“Our purpose is to continuously enhance our community’s vitality and overall quality of life. We are committed to providing high quality, cost-effective municipal services and forming productive partnerships with our residents and regional organizations. We collectively develop, share, and are guided by a clear vision, values, and meaningful objectives.”

CALL TO ORDER - Mayor Johnson

ROLL CALL - Recording Secretary

PLEDGE OF ALLEGIANCE – Councilmember Borges

INVOCATION – Paul Widener, Calvary Chapel of Gridley

PROCLAMATIONS – None

COMMUNITY PARTICIPATION FORUM - *Members of the public may address the City Council on matters not listed on the agenda. The City Council may not discuss nor take action on any community participation item brought forward by a member of the community. Comments are requested to be limited to three (3) minutes.*

CONSENT AGENDA – *Items on the Consent Agenda are considered routine and acted upon by one motion. Any Council member may request that an item be removed for separate consideration. The City Council may only make minor comments; otherwise the item should be removed from the Consent Agenda and placed as the first item(s) under “Items for Council Consideration”.*

1. City Council minutes dated February 19th, 2019
2. Police Chief Employment Agreement Approval

PUBLIC HEARING – None

ITEMS FOR COUNCIL CONSIDERATION

3. Approval of Appointment Process to Fill Council Vacancy

CITY STAFF AND COUNCIL COMMITTEE REPORTS - *Brief updates from City staff and brief reports on conferences, seminars, and meetings attended by the Mayor and City Council members, if any.*

POTENTIAL FUTURE CITY COUNCIL ITEMS - (Appearing on the Agenda within 30-90 days):

Approval of FY 17/18 Audit	3/18/2019
Fire Vehicle Purchase	3/18/2019
City Council selection of a new Councilmember	4/1/2019
Midyear Budget Update	4/1/2019
Swearing-in of new City Councilmember	4/15/2019
Overview of Council Review Process for Budget and CIP	4/15/2019

CLOSED SESSION - None

ADJOURNMENT – adjourning to the next regularly scheduled meeting on Monday, March 18th, 2019

NOTE 1: POSTING OF AGENDA- This agenda was posted on the public bulletin board at City Hall at or before 6:00 p.m., March 1st, 2019, in accordance with Government Code Section 54954.2. This agenda along with all attachments is available for public viewing online at www.gridley.ca.us and at the Administration counter in City Hall, 685 Kentucky Street, Gridley, CA.

NOTE 2: REGARDING UNSCHEDULED MATTERS – In accordance with state law, it shall be the policy of this Council that no action shall be taken on any item presented during the public forum or on unscheduled matters unless the Council, by majority vote, determines that an emergency situation exists, or, unless the Council by a two-thirds vote finds that the need to take action arose subsequent to the posting of this agenda.

Gridley City Council – DRAFT City Council Meeting Minutes

Tuesday, February 19, 2019; 6:00 pm
Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

“Our purpose is to continuously enhance our community’s vitality and overall quality of life. We are committed to providing high quality, cost-effective municipal services and forming productive partnerships with our residents and regional organizations. We collectively develop, share, and are guided by a clear vision, values, and meaningful objectives.”

CALL TO ORDER

Mayor Johnson called the meeting to order at 6:00 p.m.

ROLL CALL

Council members

Present: Hall, Borges, Williams, Johnson
Absent: None
Arriving after roll call: None

Staff present:

Paul Eckert, City Administrator
Tony Galyean, City Attorney
Juan Solis, Finance Director
Al Byers, Police Chief
Mike Hensley, IT Director
Daryl Dye, Utilities Director

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Hall.

INVOCATION

Pastor Branden Heskett of the Christian Life Church of Gridley provided the invocation.

PROCLAMATIONS – None

NEW AND PROMOTED EMPLOYEES

- Swearing in of Officer Homero Rodriguez

Chief Allen Byers introduced Officer Rodriguez and provided a brief bio before administering the Oath of Office. Officer Rodriguez’s mother pinned his badge.

COMMUNITY PARTICIPATION FORUM

The forum was opened and seeing no one present wishing to speak, the forum was closed.

CONSENT AGENDA

1. City Council minutes dated February 4th, 2019

Motion to approve the consent agenda by Councilmember Hall, seconded by Councilmember Borges

ROLL CALL VOTE

Ayes: Hall, Johnson, Williams, Borges

Motion passed, 4-0

PUBLIC HEARING – None

ITEMS FOR COUNCIL CONSIDERATION

2. Council Authorization to fund Butte County Interagency Narcotics Task Force (BINTF) Participation and Assignment of two Community Service Officers

Chief Byers briefly stated the need and reason for hiring two Community Service Officers and for funding participation in BINTF.

Motion to approve item #2 by Vice Mayor Williams, seconded by Councilmember Borges

ROLL CALL VOTE

Ayes: Johnson, Borges, Hall, Williams

Motion passed, 4-0

3. Approval of the Purchase of the Tyler Systems Integrated Financial Software System

Finance Director Solis reported that he was able to work with Administrator Eckert and Tyler Systems to get the price for the software and service reduced by approximately \$25,000.

Motion to approve #3 by Vice Mayor Williams, seconded by Councilmember Borges

ROLL CALL VOTE

Ayes: Hall, Borges, Williams, Johnson

Motion passed, 4-0

CITY STAFF AND COUNCIL COMMITTEE REPORTS

Mayor Johnson reported on the meetings he attended with Sutter Butte Flood Control Agency and Butte County Mosquito and Vector Control District.

POTENTIAL FUTURE CITY COUNCIL ITEMS - (Appearing on the Agenda within 30-90 days):

Discussion to fill Council Vacancy	3/4/2019
Approval of FY 17/18 Audit	3/18/2019
Fire Vehicle Purchase	3/18/2019

CLOSED SESSION

1. Government Code 54757 - Public Employee Performance Evaluation, Interim Police Chief
2. * Government Code 54956.9 – Conference with Legal Counsel concerning existing litigation – The matter of Jose Jimenez, Claim No. NCWA-557377.

Council came out of closed session at 7:05 p.m. with no reportable action.

ADJOURNMENT

With no items for further discussion, Council adjourned to the next meeting of March 4, 2019.

Paul Eckert, City Clerk

City Council Agenda Item #2
Staff Report

Date: March 4, 2019

To: Mayor and City Council

From: Paul Eckert, City Administrator

Subject: Police Chief Employment Agreement Approval

X	Regular
	Special
	Closed
	Emergency

Recommendation

Staff respectfully requests that the Mayor and City Council approve and adopt the City Employment Agreement between the City of Gridley and Allen Byers.

Background

The City of Gridley City Council appointed Al Byers as the Interim Police Chief on October 23, 2018. As Interim Chief, Al Byers performed with distinction during the past four months and has earned the admiration of our Gridley Police Officers and Dispatch Team as well as the respect and appreciation of community members. The City Council met to evaluate Mr. Byers during two recent Closed Session Council meetings. As follow-up to those conversations, the City Administrator, working with the Mayor, has developed the attached Employment Agreement for City Council consideration. If approved, the contract will become effective March 5th and run through October 31, 2020.

The attached Police Chief Employment Agreement has been reviewed by our Finance Director. Overall, the contract will result in excess of \$160,000 of annual savings to the City's General Fund.

Fiscal Impact

The compensation of the Police Chief position is included in the FY 2018/2019 Adopted Budget. The contract will result in excess of \$160,000 of annual savings to the City's General Fund.

Compliance with City Council Strategic Plan or Budget Goals

Selection of the most qualified staff possible is consistent with the City Council's commitment to attracting and retaining the most effective, customer focused workforce possible.

Attachment

City of Gridley Employment Agreement with Allen Byers

City of Gridley
Employment Agreement
Chief of Police

This Employment Agreement (hereinafter called the “Agreement”) made and entered into on March 5, 2019, by and between the City of Gridley, California, a general law city, (hereinafter called the “City”) and Allen Byers, Chief of Police (hereinafter called the “Employee”) with respect to employment as the Chief of Police of Gridley, California.

1. Appointment of the Chief of Police:

The City Council of the City of Gridley seeks to hire the Employee as the City’s Chief of Police to serve and perform such duties at such times and places and in such a manner as the City may from time to time direct. Furthermore, the City Council of the City of Gridley is the sole appointing body of the position of Chief of Police, as per the adopted City ordinance(s), resolution(s) and City policy manual.

2. At Will Employment:

Employee is an “at will” employee who shall serve at the pleasure of the City Council. Accordingly, the City Council may terminate Employee’s employment at any time, with or without cause. The provision may not be altered except by a written instrument by Employee, and formally approved by the City Council, which specifically references this Agreement and section.

3. Term of Agreement:

The Employee acknowledges that he serves in the position of Chief of Police at the discretion and pleasure of the Gridley City Council. The parties of this Agreement may terminate the Agreement pursuant to the provisions of paragraphs 6 and 7 below. Unless otherwise extended, this Agreement shall conclude on October 31, 2020. The City Council is expected to begin the search process for a new Police Chief in August 2020.

4. Duties and Responsibilities:

- a) Employee shall serve as the Chief of Police of the City of Gridley and he shall be vested with the powers, duties and responsibilities set forth in the City’s adopted job description for Chief of Police and shall be responsible for directing, administering and coordinating the police department functions of the City of Gridley.
- b) Employee agrees to devote his productive time, ability and attention to the City business. For the duration of this Agreement, Employee shall not hold secondary employment, unless it is vocational training as it relates to law enforcement and cannot be done to encumber any City time, resources or facilities. The secondary employment must be so de minimis that it is transparent that it is for the continuing education of the Employee and to benefit the leadership and education of the Employee as the Chief of Police. The de minimis secondary employment shall not constitute interference with or a conflict of interest with his responsibilities under the Agreement. The City Council shall be the sole body that authorizes any de minimis secondary employment.

5. Hours of Work:

It is recognized that the Employee must devote a great deal of time outside the normal office hours on business for the City, and to that end the Employee shall be allowed to establish an appropriate work schedule. The Employee will normally work 80 hours per (two week) pay period.

6. Performance Evaluation:

The City shall annually review the performance of the Employee subject to a process, form, criteria, and format for the evaluation which shall be mutually agreed upon by the City and Employee. The process at a minimum shall include the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation, and (3) adopt an appropriate improvement plan and/or goals.

7. Termination of Employment and Severance:

- a) Per Section Two (2) of this Agreement – At Will Employment - Employee understands and acknowledges that Employee serves at the pleasure and discretion of the City Council and that Employee may be terminated at any time for any reason (or no reason at all) by the City Council. Except upon the event that the City terminates Employee's employment for reasons involving the alleged commission of a crime, the alleged commission of an act of moral turpitude, the alleged commission of any act constituting an abuse of Employee's public office under the laws of the State of California or the performance of an act of gross negligence (any of which shall be deemed as being reason(s) to terminate Employee's employment under this Agreement as being "for cause").
- b) In a like manner, nothing in this contract shall interfere with the right of the Employee to resign at any time. The employee shall give a minimum of a 30-day notice to terminate this Agreement. During such a notice period, all the rights and obligations of the parties under this agreement shall remain in full force and effect.

8. Compensation Benefits:

- a) Employee will be compensated under the criteria provided in the Governor's Executive Order B-57-18. (Attached Circular Letter from CalPERS). Employee shall be paid an hourly rate equal to the rate of 120,000 a year (57.69 an hour) and will receive no benefits.
- b) The City Council shall retain the discretion to provide additional adjustments as it sees fit depending on the performance and accomplishment of Council objectives.

- c) Professional Memberships: Subject to approval by the City, the City agrees to provide for membership in any trade appropriate and position appropriate associations and/or organizations. The Employee is also authorized participation in two (2) conferences and meetings of organizations, which provide professional information to Employee relative to his performance as Chief of Police of the City of Gridley. Attendance and participation in any conference(s) or symposium(s) shall be subject to City Council approval, availability of funds and within the fiscal year's budget.
- d) Cell Phone Allowance: City agrees to provide a cell phone allowance to the Employee in an amount not to exceed seventy-five dollars (\$75) per month.
- e) Uniform Allowance: The Chief of Police shall receive the annual standard uniform allowance as per the current Gridley Police Officers' Association Memorandum of Understanding

9. Notices:

Notices pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, addressed as follows:

The City: City Administrator
 685 Kentucky Street
 Gridley, CA 95948

Employee: Allen Byers
 66 Hastings Avenue
 Biggs, CA 95917

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

10. Other Terms and Conditions of Employment:

The City, only upon agreement with the Employee, shall fix any such other terms and conditions of employment, as it may determine from time to time, provided such terms and conditions are not inconsistent with or in conflict with the provisions of the Agreement, The Gridley Municipal Code, or any other law.

11. General Provisions:

This Agreement sets forth and establishes the entire understanding between the City and the Employee relating to the employment of the Employee by the City. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this

City Council Agenda Item #3

Staff Report

Date: March 4, 2019

To: Mayor and City Council

From: Paul Eckert, City Administrator

Subject: Approval of Appointment Process to Fill Council Vacancy

X	Regular
	Special
	Closed
	Emergency

Recommendation

City staff respectfully recommends that the City Council direct staff to advertise to fill the vacant City Councilmember seat and utilize an application and letter of interest process to fill the vacant seat.

Background

Todd Farr's resignation on January 17, 2019, created a vacancy on the City Council. With Council's direction, and in keeping with past practice, staff will advertise the opening and utilize an application and letter of interest process. Applications will be accepted until March 15, 2019. It's anticipated that the City Council on April 1, 2019 will review and follow the Roberts Rules of Order process to decide who will be appointed. The new Councilmember's term is expected to begin on April 15, 2019 and will run through November 2022.

Financial Impact

None

Compliance with City Council Strategic Plan or Budget Goals

The City Council and City staff are committed to providing effective leadership while providing quality cost effective local government services.

Attachments - None